

1974 No. 1810

## SOCIAL SECURITY

**The Social Security (Determination of Claims and Questions)  
Interim Regulations 1974**

*Made* - - - - - 1st November 1974

*Laid before Parliament* 11th November 1974

*Coming into Operation* 6th December 1974

The Secretary of State for Social Services, in exercise of powers conferred by section 100(1) of and paragraph 6 of Schedule 26 to the Social Security Act 1973(a), and of all other powers enabling her in that behalf, hereby makes the following regulations:—

*Citation, commencement, duration and interpretation*

1.—(1) These regulations which may be cited as the Social Security (Determination of Claims and Questions) Interim Regulations 1974 shall come into operation on 6th December 1974 and shall cease to have effect on 6th April 1975.

(2) Except in so far as the context otherwise requires any reference in these regulations to any enactment or instrument shall be construed as a reference to that enactment or instrument as amended, extended or re-enacted by any other enactment or instrument.

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(b) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

*Determination before 6th April 1975 of claims and questions under the Social Security Act 1973*

2.—(1) Subject to the provisions of paragraph (2) of this regulation where a claim is made, or falls under a provision made by or by virtue of any enactment to be treated as made, for, or a question arises in respect of, benefit under Part I of the Social Security Act 1973, the determination of that claim or question shall take place as if that Part, section 84 of that Act and any instrument made by virtue of that Act which is to come into operation on or before any day to which the determination relates were in operation and as if—

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(a) 1973 c. 38.

(b) 1889 c. 63.

- (a) Part IV of the National Insurance Act 1965(a) were in force in the form in which it is set out in Part II of Schedule 21 to the said Act of 1973; and
- (b) the National Insurance (Determination of Claims and Questions) (No. 2) Regulations 1967(b) applied for the determination of claims and questions made or arising under the said Act of 1973 as they apply for the determination of claims and questions made or arising under the said Act of 1965.

(2) Paragraph (1) of this regulation shall not apply so as to make payable any benefit which but for that paragraph would not become payable; but in cases to which that paragraph applies awards of benefit may be made in anticipation of that benefit becoming payable and an award so made shall have effect as an authority for the payment of the benefit awarded as from the date at which the benefit becomes payable.

(3) Any reference in a determination made by virtue of paragraph (1) of this regulation or in the said regulations as they apply by virtue of that paragraph to a provision of the National Insurance Acts 1965 to 1974 (other than Part IV of the said Act of 1965) or to a provision of any regulations made under any of those Acts, shall, unless the context otherwise requires, be construed as a reference to the corresponding provision of the Social Security Act 1973 or, as the case may be, of the regulations made under it.

*Barbara Castle,*  
Secretary of State for Social Services.

1st November 1974.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations provide for the determination of claims made before 6th April 1975 for benefits under Part I of the Social Security Act 1973. They apply the legislation (which includes provision for appeals) which applies to claims for the corresponding benefits under the National Insurance Act 1965.

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(a) 1965 c. 51.

(b) S.I. 1967/1570 (1967 III, p. 4350); amended by S.I. 1967/1571, 1969/290, 1971/621, 1419, 1972/1232, 1301 (1967 III, p. 4362; 1969 I, p. 792; 1971 I, p. 1623; II, p. 3964; 1972 II, p. 3725, p. 3922).

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